

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

IN RE: SAMANTHA K NARANJO Debtor	Case No. 23-12249-amc
Freedom Mortgage Corporation, Movant	Chapter 13
vs. SAMANTHA K NARANJO Respondent	11 U.S.C. §362

**MOTION FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO
BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, Brock and Scott PLLC, hereby requests a termination of Automatic Stay and leave to proceed with its state court rights on its mortgage on real property owned by SAMANTHA K NARANJO (the “Debtor”).

1. Movant is Freedom Mortgage Corporation.
2. Debtor, SAMANTHA K NARANJO, is/are the owner(s) of the premises located at 3225 BELGREEN RD, Philadelphia, Pennsylvania 19154 hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed as of October 4, 2023:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
3	August 1, 2023	October 1, 2023	\$1,568.72	\$4,706.16
Less partial payments (suspense balance): (\$0.00)				
				Total: <u>\$4,706.16</u>

6. A post-petition payment history is attached hereto as Exhibit A.
7. The next payment is due on or before November 1, 2023 in the amount of \$1,568.72.

Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. Upon information and belief, the payoff amount as of October 4, 2023 is \$230,145.86.
9. Movant has cause to have the Automatic Stay terminated as to permit Movant to proceed with its state court rights pursuant to the mortgage contract.
10. Movant specifically requests permission from the Honorable Court to communicate with and Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law.
11. Movant, its successors and assignees posits that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

12. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

- a. Modifying the Automatic Stay under Section 362 with respect to 3225 BELGREEN RD, Philadelphia, Pennsylvania 19154 (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

- b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law; and

- c. That the Trustee cease making any further distributions to the Creditor; and
- d. Holding that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever-increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees, should be allowed to immediately enforce and implement the Order granting relief from the automatic stay; and
- e. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and
- f. Granting any other relief that this Court deems equitable and just.

This is the 11th day of October,
2023.

/s/Andrew Spivack
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